

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2005/000502

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C07D403/04 C07D401/14  
 //((C07D401/14, 213:00, 209:00, 207:00), (C07D403/04, 209:00, 207:00))

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data, PAJ, WPI Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 02/38561 A (NOVARTIS AG; NOVARTIS-ERFINDUNGEN VERWALTUNGSGESELLSCHAFT M.B.H; ALBER) 16 May 2002 (2002-05-16) cited in the application page 1, title page 1, Formula I page 40, paragraph 2 page 41, last paragraph - page 42, first paragraph	5-14,17

 Further documents are listed in the continuation of box C. Patent family members are listed in annex.

## ° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

25 May 2005

Date of mailing of the International search report

01/06/2005

Name and mailing address of the ISA

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### Box II Observations where certain claims were found unsearchable (Continuation of Item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: 14, 17  
because they relate to subject matter not required to be searched by this Authority, namely:  

Although claims 14 and 17 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2.  Claims Nos.: 1-4, 15, 16  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  

see FURTHER INFORMATION sheet PCT/ISA/210
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Although claims 14 and 17 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

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Continuation of Box II.2

Claims Nos.: 1-4, 15, 16

Present claims 1-4 relate to compounds defined by reference to a certain selectivity.

The use of such a parameter in the present context is considered to lead to a lack of clarity within the meaning of Article 6 PCT. It is impossible to compare the parameter the Applicants have chosen to employ with what is set out in the prior art. The lack of clarity is such as to render a meaningful complete search impossible.

In addition, present claims 1-4 relate to compounds defined by reference to a desirable characteristic or property, namely the above-mentioned selectivity.

The claims cover all compounds having this property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such compounds. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible.

Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the compound by reference to a result to be achieved.

Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible.

Consequently, an exhaustive and complete search is precluded for practical and economical reasons. The search was based upon though not limited to the remaining claims, examples and tables given in the description (cf. Arts. 6, 15 and Rule 33 PCT).

Claims 15 and 16 could not be searched, since they are missing in the file and since the Applicants failed to either submit the said missing claims or to at least correct the numbering of the present claims in due time.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

out during examination before the EPO (see EPO Guideline C-VI, 8.5),  
should the problems which led to the Article 17(2) declaration be  
overcome.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 5-14(part), 17 (part)

Provision of indolylmaleimide derivatives of Formula I,  
wherein "R" has the meaning naphthyl.

2. claims: 5-14(part), 17 (part)

Provision of indolylmaleimide derivatives of Formula I,  
wherein "R" has the meaning 3-pyridyl or 4-pyridyl.

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2005/000502

Patent document cited in search report	Publication date	Patent family member(s)		Publication date
WO 0238561	A 16-05-2002	AU 2181002	A	21-05-2002
		BR 0115193	A	03-02-2004
		CA 2428133	A1	16-05-2002
		CN 1478087	A	25-02-2004
		WO 0238561	A1	16-05-2002
		EP 1337527	A1	27-08-2003
		JP 2004513168	T	30-04-2004
		MX PA03004037	A	19-08-2003
		NO 20032034	A	04-07-2003
		NZ 525656	A	24-12-2004
		PL 361409	A1	04-10-2004
		SK 5462003	A3	04-11-2003
		US 2003069424	A1	10-04-2003
		US 2004053949	A1	18-03-2004
		ZA 200303426	A	22-04-2004